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AMENDMENTS TO LB 384

(Amendments to E & R amendments, AM7184)

1 1. Insert the following new sections:

2 "Sec. 23. Section 16-230, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 16-230. (1) A city of the first class by ordinance may
5 require lots or pieces of ground within the city or within two
6 miles of the corporate limits of the city to be drained or filled
7 so as to prevent stagnant water or any other nuisance accumulating
8 thereon. It may require the owner or occupant of all lots and
9 pieces of ground within the city to keep the lots and pieces of
10 ground and the adjoining streets and alleys free of any growth of
11 twelve inches or more in height of weeds, grasses, or worthless
12 vegetation, and it may prohibit and control the throwing,
13 depositing, or accumulation of litter on any lot or piece of ground
14 within the city.

15 (2) Any city of the first class may by ordinance declare
16 it to be a nuisance to permit or maintain any growth of twelve
17 inches or more in height of weeds, grasses, or worthless vegetation
18 or to litter or cause litter to be deposited or remain thereon
19 except in proper receptacles.

20 (3) Any owner or occupant of a lot or piece of ground
21 shall, upon conviction of violating such ordinance, be guilty of a
22 Class V misdemeanor.

23 (4) Notice to abate and remove such nuisance shall be

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1 given to each owner or owner's duly authorized agent and to the
2 occupant, if any, by personal service or certified mail. Within
3 five days after receipt of such notice, if the owner or occupant of
4 the lot or piece of ground does not request a hearing with the city
5 ~~or~~ and fails to comply with the order to abate and remove the
6 nuisance, the city may have such work done. Certified mail sent to
7 the last-known address of the owner or the duly authorized agent as
8 it appears on the rolls of the county assessor on the date the mail
9 is sent shall constitute notice.

10 (5) If the owner or occupant of the lot or piece of
11 ground violates such an ordinance again within sixty days after a
12 notice to abate and remove the nuisance, the notice to abate the
13 second and subsequent nuisances shall be mailed by first-class
14 mail. Within ten days after the mailing of such notice, if the
15 owner or occupant of the lot or piece of ground does not request a
16 hearing with the city and fails to comply with the order to abate
17 and remove the nuisance, the city may have such work done.

18 (6) The costs and expenses of any such work shall be paid
19 by the owner. If unpaid for ~~two months~~ four weeks after such work
20 is done, the city may either (a) levy and assess the costs and
21 expenses of the work upon the lot or piece of ground so benefited
22 in the same manner as other special taxes for improvements are
23 levied and assessed or (b) recover in a civil action the costs and
24 expenses of the work upon the lot or piece of ground and the
25 adjoining streets and alleys. Any costs and expenses that remain
26 unpaid for a period of four weeks after such work is done shall be
27 a lien on the lot or piece of ground and be assessed as a special

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1 assessment, which special assessment shall be certified by the city
2 clerk to the county clerk of the county in which the lot or piece
3 of ground is situated. The county clerk shall thereupon place the
4 same on the tax rolls for collection, subject to the same penalties
5 and to be collected in like manner as other special assessments.

6 ~~(5)~~ (7) For purposes of this section:

7 (a) Litter shall include, but not be limited to: (i)
8 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
9 plaster, cement, brick, or stone building rubble; (iii) grass,
10 leaves, and worthless vegetation; (iv) offal and dead animals; and
11 (v) any machine or machines, vehicle or vehicles, or parts of a
12 machine or vehicle which have lost their identity, character,
13 utility, or serviceability as such through deterioration,
14 dismantling, or the ravages of time, are inoperative or unable to
15 perform their intended functions, or are cast off, discarded, or
16 thrown away or left as waste, wreckage, or junk; and

17 (b) Weeds shall include, but not be limited to, bindweed
18 (Convolvulus arvensis), puncture vine (Tribulus terrestris), leafy
19 spurge (Euphorbia esula), Canada thistle (Cirsium arvense),
20 perennial peppergrass (Lepidium draba), Russian knapweed (Centaurea
21 picris), Johnson grass (Sorghum halepense), nodding or musk
22 thistle, quack grass (Agropyron repens), perennial sow thistle
23 (Sonchus arvensis), horse nettle (Solanum carolinense), bull
24 thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (tourn),
25 hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae).

26 Sec. 27. Section 17-563, Reissue Revised Statutes of
27 Nebraska, is amended to read:

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1 17-563. (1) Each city of the second class and village by
2 ordinance may require lots or pieces of ground within the city or
3 village to be drained or filled so as to prevent stagnant water or
4 any other nuisance accumulating thereon. It may require the owner
5 or occupant of any lot or piece of ground within the city or
6 village to keep the lot or piece of ground and the adjoining
7 streets and alleys free of any growth of twelve inches or more in
8 height of weeds, grasses, or worthless vegetation, and it may
9 prohibit and control the throwing, depositing, or accumulation of
10 litter on any lot or piece of ground within the city or village.

11 (2) Any city of the second class and village may by
12 ordinance declare it to be a nuisance to permit or maintain any
13 growth of twelve inches or more in height of weeds, grasses, or
14 worthless vegetation or to litter or cause litter to be deposited
15 or remain thereon except in proper receptacles.

16 (3) Any owner or occupant of a lot or piece of ground
17 shall, upon conviction of violating such ordinance, be guilty of a
18 Class V misdemeanor.

19 (4) Notice to abate and remove such nuisance shall be
20 given to each owner or owner's duly authorized agent and to the
21 occupant, if any, by personal service or certified mail. Within
22 five days after receipt of such notice, if the owner or occupant of
23 the lot or piece of ground does not request a hearing with the city
24 or village ~~or~~ and fails to comply with the order to abate and
25 remove the nuisance, the city or village may have such work done.
26 Certified mail sent to the last-known address of the owner or the
27 duly authorized agent as it appears on the rolls of the county

1 assessor on the date the mail is sent shall constitute notice.

2 (5) If the owner or occupant of the lot or piece of
3 ground subsequently violates such an ordinance again within sixty
4 days after a notice to abate and remove the nuisance, the notice to
5 abate the second and subsequent nuisances shall be mailed by
6 first-class mail. Within ten days after the mailing of such
7 notice, if the owner or occupant of the lot or piece of ground does
8 not request a hearing with the city or village and fails to comply
9 with the order to abate and remove the nuisance, the city or
10 village may have such work done.

11 (6) The costs and expenses of any such work shall be paid
12 by the owner. If unpaid for ~~two months~~ four weeks after such work
13 is done, the city or village may either (a) levy and assess the
14 costs and expenses of the work upon the lot or piece of ground so
15 benefited in the same manner as other special taxes for
16 improvements are levied and assessed or (b) recover in a civil
17 action the costs and expenses of the work upon the lot or piece of
18 ground and the adjoining streets and alleys. Any costs and
19 expenses that remain unpaid for a period of four weeks after such
20 work is done shall be a lien on the lot or piece of ground and be
21 assessed as a special assessment, which special assessment shall be
22 certified by the city or village clerk to the county clerk of the
23 county in which the lot or piece of ground is situated. The county
24 clerk shall thereupon place the same on the tax rolls for
25 collection, subject to the same penalties and to be collected in
26 like manner as other special assessments.

27 ~~(5)~~ (7) For purposes of this section:

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1 (a) Litter shall include, but not be limited to: (i)
2 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
3 plaster, cement, brick, or stone building rubble; (iii) grass,
4 leaves, and worthless vegetation; (iv) offal and dead animals; and
5 (v) any machine or machines, vehicle or vehicles, or parts of a
6 machine or vehicle which have lost their identity, character,
7 utility, or serviceability as such through deterioration,
8 dismantling, or the ravages of time, are inoperative or unable to
9 perform their intended functions, or are cast off, discarded, or
10 thrown away or left as waste, wreckage, or junk; and

11 (b) Weeds shall include, but not be limited to, bindweed
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13 spurge (Euphorbia esula), Canada thistle (Cirsium arvense),
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16 thistle, quack grass (Agropyron repens), perennial sow thistle
17 (Sonchus arvensis), horse nettle (Solanum carolinense), bull
18 thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (toun),
19 hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae).".

20 2. Renumber the remaining sections and correct the
21 repealer accordingly.